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James Freas  
Acting Director

## MEMORANDUM

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**DATE:** October 10, 2014

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** James Freas, Acting Director of Planning and Development

**RE:** #80-13: THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

**MEETING DATE:** October 15, 2014

**CC:** Board of Aldermen  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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Zoning Reform, Phase 1 is intended to address existing conflicting provisions in the Newton Zoning Ordinance, while also clarifying the regulations through the use of illustrations, tables, and new wording. A number of existing docketed items were identified as phase 1 issues and are listed below.

	Issue	Docket Number	Resolution
1	Definitions: Common roof & wall connectors & dwelling, two-family	222-13	Phase 2
2	Clarify definitions of attached dwellings	129-13	Phase 2
3	Clarify lot width, area, & frontage	220-12	Lot width changed to frontage, table re-organized and clarified.
4	Clarify definition of structure	219-12	
5	Clarify sideline distance	218-12	Changed to side lot lines
6	Clarify tandem parking stalls	217-12	Fixed
7	Define usable open space	216-12	No Change
8	Define flat & sloped roofs	65-11	Done
9	Revise lot line & structure	154-10(2)	
10	Define lot area and setback line	154-10	Done

### Issue #1 & 2

The confusion around the definitions of attached dwellings and two-family buildings has been an issue for some time. That confusion is generated by the attempt to regulate development activity through the definition of terms rather than developing regulations that directly address the issues at hand. In this case, the issues appear to include, but are not limited to, very large buildings that appear out of context for the neighborhood and are poorly situated on the lot such that they appear sideways. The solution to these problems cannot be achieved through a change in definition but must instead be handled through the introduction of better regulations of building types and zoning districts more closely tailored to the desired land use and urban design patterns of the City. These are understood as phase 2 issues.

### Issue #3

Section 30-8(b)(10)a) provides the minimum lot dimension requirements necessary for the conversion of an existing structure to include more than 1 dwelling unit. This requirement included Lot Width, an undefined term that would be potentially difficult to measure, depending on the given lot. The new ordinance proposes using lot frontage, which is clearly defined and has clear directions for how it is measured. Lot frontage is typically used as a stand in for width.

### Issue#4

The issue raised in this docket item is the discrepancy around retaining walls – they are included in the definition of structure when they exceed four feet but in 30-5(b)(4) they require a special permit when they are four feet or more. While there is little difference between them (an inch), it makes sense for them to be consistent and the Zoning and Planning Committee should pick one. Staff proposes four feet or more.

### Issues #5

The Zoning Ordinance makes reference to “sideline” in section 30-19(g)(1), which is an undefined term and not one commonly found in Zoning Ordinances. Staff believes the intended term is “side lot line” and proposes that change is made in the new ordinance.

### Issue #6

This item was addressed at the June 9<sup>th</sup> Zoning and Planning Committee meeting.

### Issue #7

This item was addressed at the June 9<sup>th</sup> Zoning and Planning Committee meeting.

### Issue #8

The following definitions have been proposed for flat and sloped roofs:

Roof, flat: A roof with a pitch of less than 1:12.

Roof, sloped: A roof with a pitch of 1:12 or greater, typically having gables at both ends.

### Issue #9 & 10

Lot Area has been defined as shown below. Staff seeks guidance from the Zoning and Planning Committee as to the particular issue with the definitions of “structure,” “lot line” and “setback line.”  
Lot Area: Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

A draft copy of the Zoning Ordinance will be distributed at the Zoning and Planning Committee meeting for discussion at the October 27<sup>th</sup> meeting.